

Remarks

The Amendment B response to the prior action mailed December 11, 2003 had been timely filed on February 11, 2004, and the postcard enclosed with the response was  
5 received by Applicant. On March 9, 2004, Applicant's attorney called the Examiner and left a message informing Examiner that the response had been filed and inquiring about the status of the application. On April 20, 2004, Applicant's attorney again called Examiner and Examiner's  
10 supervisor and left messages inquiring about the status of the application.

Applicant had become concerned that no paper from the USPTO had been forthcoming and the 6 month period for response was about to end. As a result, on May 18,  
15 Applicants filed a notice of appeal to provide an additional two months for Examiner to respond to Amendment B.

On May 31, Applicant's attorney again called Examiner's supervisor and was informed that Amendment B was  
20 missing from the file. On June 1, Applicant's attorney faxed a copy of Amendment B and the copy of the received postcard indicating that the office had received Amendment B on February 17, 2004. On July 9<sup>th</sup> and again on July 12,

Applicant's attorney's paralegal called Examiner, first being informed that the advisory action had been mailed two weeks prior and then requesting that a copy of the advisory action be faxed to Applicant's attorney's office because it had not been received by Applicant's attorney. Examiner's advisory action was received by fax on July 13, 2004 and requested an additional search.

Applicants are filing this RCE to allow Examiner to perform the additional search, but we have been extremely patient and cooperative during this process, even incurring the expense of filing the notice of appeal to provide Examiner additional time to respond, and would appreciate a timely first response to the RCE.

The notice of appeal is now rendered moot by the RCE filed concurrently herewith, and amendment B is not entered. This Amendment C restates the information and amendments in Amendment B, and other than the above paragraphs in the remarks section, this paragraph, and the date in the signature block, is identical to the unentered Amendment B, for which Examiner requested a new search.

In paragraphs 1-15, Examiner rejected claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,330,605 issued to Christensen in view of U.S.

Patent 6,366,947 issued to Kavner. This rejection is respectfully traversed.

Claim 1 recites, "receiving the first request for the web page; and transmitting, to a device from which the  
5 first request was received, at least one command to send a second request for the web page, and a first timestamp."  
Claims 2-13 depend from claim 1 and contain all of its features.

Claim 14 recites, "computer readable program code  
10 devices configured to cause a computer to receive the first request for the web page; and computer readable program code devices configured to cause a computer to transmit, to a device from which the first request was received, at least one command to send a second request for the web  
15 page, and a first timestamp." Claims 15-26 depend from claim 14 and contain all of its features.

These claimed features receive a first a request for a web page, and transmit to the device that sent the request, a command to send a second request for that web page and a  
20 timestamp.

Kavner transmits a conditional request for the web page itself, not a command to send a subsequent request as claimed. The fact that what is transmitted is a request is

evident from the fact that the request is sent to the server and the fact that the server responds with the web page if the condition is met, the condition being that the web page was updated subsequent to the timestamp. (Kavner, 5 col. 4, lines 20-35). Examiner states that the request could be interpreted as a command to send a request. But it could not be interpreted to send a request to the device that sent the command in a manner similar to that claimed because the GET command causes no such request to be sent 10 to that device. Because Kavner does not send a command to send a subsequent request as claimed, claim 1 is patentably distinguishable over Kavner. Examiner has not asserted that Christensen sends any such command and therefore, claims 1 and 14 are patentably distinguishable over Kavner 15 and Christensen, either alone or in combination. Because claims 2-13 depend from claim 1 and claims 15-26 depend from claim 14, claims 1-26 are patentably distinguishable over Kavner and Christensen, either alone or in combination.

20 As amended, claim 27 recites, "a cookie/applet generator having an input coupled to the user request router output for receiving the signal, the cookie/applet generator for providing, to a device from which the first request was received, a first output coupled to an

apparatus output a first indicator of at least one time to send a second request for the web page". Claims 28-31 depend from claim 27 and contain all of its features.

These claimed features provide an indicator of at least one time to send a second request for a web page. Kavner, col 4, lines 44-59 uses a cache to display a web page and simultaneously sends a request for an updated page, but Kavner doesn't send a time as claimed. Because Kavner does not send an indicator of the time to send the request as claimed, Kavner is restricted to sending the request for the updated page simultaneously with the display of the page. Thus, claim 27 is patentably distinguishable over Kavner.

Examiner points to Christensen's use of timers, but Christensen uses the timer, it doesn't provide the value from such timer to a device from which the first request was received, as would be required to anticipate claim 27. Thus, claim 27 is patentably distinguishable over Kavner and Christensen. Because claims 28-31 depend from claim 27, claims 27-31 are patentably distinguishable over Kavner and Christensen, either alone or in combination.

Claims 1-31 are patenably distinguishable over the cited references. Favorable action is solicited.

Respectfully submitted,

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